

McGREGOR W. SCOTT
United States Attorney

PAUL S. HAM
Trial Attorney, Tax Division
United States Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, DC 20044-0683
Telephone: (202) 307-6421
Facsimile: (202) 307-0054

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BLAKE WINGLE,

Plaintiff,

v.

INTERNAL REVENUE SERVICE and
DEPARTMENT OF THE
TREASURY/UNITED STATES OF
AMERICA,

Defendants.

Civil No. F-05-0160 REC LJO

**UNITED STATES' EX-PARTE
APPLICATION FOR AN EXTENSION
OF TIME TO RESPOND TO
COMPLAINT, and ORDER.**

Defendant United States of America, through undersigned counsel, respectfully requests that this Court grant the United States a 60-day extension of time, until October 3, 2005, to respond to Plaintiff's Complaint. In support thereof, the United States states as follows:

1. Plaintiff Blake Wingle served a copy of his "Amended Petition: For Protection of Inalienable Rights..." (hereinafter, construed as "Complaint") upon the United States on June 2, 2005.

2. Mr. Wingle's Complaint appears very similar to his previous complaint filed with this Court on August 19, 2003 (Docket No. 1:03-cv-06122-AWI-LJO). In that previous action, this Court dismissed Mr. Wingle's complaint with prejudice on August 31, 2004 (see Docket, No. 8) and denied Mr. Wingle's Motion for Reconsideration on January 31, 2005 (see Docket,

No. 42). Mr. Wingle has since appealed this Court's decision to the Ninth Circuit Court of Appeals. See Docket, No. 43.

3. This motion is not made for purposes of delay, but only so that the Internal Revenue Service and the United States Department of Justice can coordinate their resources and respond fully and adequately to the Complaint. Moreover, the United States intends to file a motion for sanctions against Mr. Wingle if it discovers that his current cause of action is virtually identical to his prior action that was dismissed with prejudice and Mr. Wingle refuses to withdraw his Complaint. This proposed extension will, consequently, also afford Mr. Wingle time to review the United States' proposed motion for sanctions and withdraw his Complaint before the motion is filed.

4. In conjunction with the extension, the United States requests that the Scheduling Conference, currently set for September 27, 2005, also be continued to a date deemed appropriate by this Court given the United States' proposed October 3, 2005 response date.

5. A proposed Order is provided herewith.

WHEREFORE, the United States requests that it be allowed until October 3, 2005 to respond to Plaintiff's Complaint and that the Scheduling Conference, currently set for September 27, 2005, also be continued.

Dated this 6th day of July, 2005.

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/s/ - Paul Ham
PAUL S. HAM
Trial Attorney, Tax Division
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Order

Having considered the United States' Ex-Parte Application for Extension of Time to Respond to Complaint, this Court GRANTS the application and ORDERS that the United States has until October 3, 2005 to respond; the Court further RESETS the September 27, 2005 Scheduling Conference to November 17, 2005 at 8:30 a.m. in Department 6 (LJO).

IT IS SO ORDERED.

Dated: July 7, 2005
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE